

1 Beth E. Terrell, CSB #178181
Email: bterrell@tmdwlaw.com
2 Michael D. Daudt, CSB #161575
Email: mdaudt@tmdwlaw.com
3 Mary B. Reiten, CSB #203412
Email: mreiten@tmdwlaw.com
4 Whitney B. Stark, CSB #234863
Email: wstark@tmdwlaw.com
5 TERRELL MARSHALL DAUDT
6 & WILLIE PLLC
7 936 North 34th Street, Suite 300
8 Seattle, Washington 98103-8869
9 Telephone: (206) 816-6603
Facsimile: (206) 358-3528
10

11 [Additional counsel appear on signature page]

12 *Attorneys for Plaintiffs*

13 UNITED STATES DISTRICT COURT
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 BEE, DENNING, INC., d/b/a
16 PRACTICE PERFORMANCE
17 GROUP; and GREGORY CHICK,
18 individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 v.
21

22 CAPITAL ALLIANCE GROUP; and
23 NARIN CHARANVATTANAKIT,

24 Defendants.

NO. 3:13-cv-02654-BAS-WVG

**DECLARATION OF CLYDE L.
GRIFFEY**

Complaint Filed: 11/5/13

DEMAND FOR JURY TRIAL

Honorable Cynthia Bashant

1 I, Clyde L. Griffey, declare as follows:

2 1. I am over the age of eighteen and make this declaration based on
3 personal knowledge. If called to testify regarding the facts set forth below, I
4 could and would do so.

5 2. I am a veteran of the United States Marines and the United States
6 Army, and a retired Federal Government employee. I own and operate a fax
7 machine in my home for personal and household use. I do not operate a business,
8 nor do I conduct business-related activities from my home.

9 3. My personal privacy is important to me and I consider unsolicited
10 faxes and telephone calls to be a nuisance. For example, my cellular and
11 residential telephone numbers are listed on the national "Do Not Call" registry.

12 4. In the spring and summer of 2014, I received several unsolicited
13 faxes advertising business loans. The faxes advertised a fast and simple business
14 loan and encouraged me to call a toll free telephone number.

15 5. The faxes were all nearly identical, with similar formatting, style,
16 logo design, and advertising text for business loans. Some of the faxes were from
17 the same company and some of them used different business names and logos.

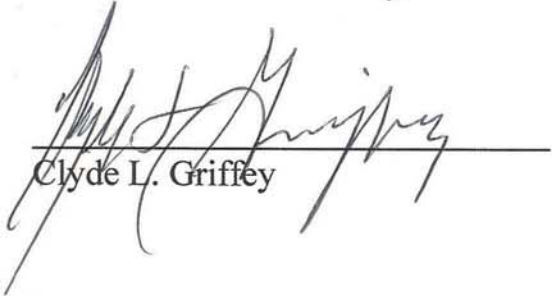
18 6. On June 3, 2014, June 18, 2014, and June 19, 2014, I called the opt-
19 out number provided at the bottom of one of these faxes. I entered my ten-digit
20 fax number to opt-out of receiving faxes. The prerecorded message stated that
21 my number would be removed from the list.

22 7. After I requested that I no longer receive faxes, I have continued to
23 receive faxes. These faxes are very similar to the other faxes I received and
24 continue to advertise fast and simple business loans, although some of the faxes
25 use different business names. For example, on July 24, 2014, I received a fax
26 advertising business loans from "Nextday Business Loans." Attached hereto as
27
28

1 Exhibit 1 is a true and correct copy of the fax that I received from Nextday
2 Business Loans on July 24, 2014.

3 I declare under penalty of perjury under the laws of the United States that
4 the foregoing is true and correct.

5 Executed this 13th day of August, 2014 at Federal Way, Washington.

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9 Clyde L. Griffey
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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on September 5, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Timothy Q. Day, CSB #188732
Email: tday@homan-stone.com
HOMAN & STONE
12 North Fifth Street
Redlands, California 92373
Telephone: (909) 307-9380
Facsimile: (909) 793-0210

Attorneys for Defendants

DATED this 5th day of September, 2014.

TERRELL MARSHALL DAUDT
& WILLIE PLLC

By: /s/ Beth E. Terrell, CSB #178181
Beth E. Terrell, CSB #178181
Email: bterrell@tmdwlaw.com
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 350-3528

Attorneys for Plaintiffs

INDEX TO EXHIBITS

Exhibit 1

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— EXHIBIT 1 —

DECLARATION OF CLYDE L. GRIFFEY



MO./DAY/YEAR

7/24/2014

CLIENT CODE:
2133D

FUNDING AMOUNT: Fifty Thousand Dollars and 00/100 *****

DOLLARS

DOLLARS	CENTS
\$50,000	.00

TO: Small Business Owner
United States of America

SPECIMEN - NON-NEGOTIABLE - NOT A CHECK

***NEW* FOR 2014 - ALL-PURPOSE BUSINESS FUNDING**

Time is money. We offer a fast and simple alternative to traditional bank financing. Our cutting edge technology allows us to approve loans quickly and get you the capital to push your business forward.

Loan Size	\$5,000.00 - \$250,000.00
Terms	6-18 months
Security	No collateral needed
Timing	Approval in 24 hours; Funding in 2 business days
Qualifications	Min. 500 credit score; At least 1 year time in business
Details	True Business Loan; *NOT* a Merchant Cash Advance

CALL NOW TO SPEAK WITH A FINANCE SPECIALIST:

1-800-823-8064

Our mission is to provide capital for small businesses when traditional lenders are not. Our clients use our capital to fund anything from inventory to renovations, temporary cash flow to marketing... Take advantage of our working capital for anything to push your business forward!

Recently Funded Transactions (As of Tuesday, July 22, 2014):

\$35,000.00 - Restaurant - Oceanside, CA - To prepare for busy season
 \$10,000.00 - Restaurant/Café - Indianapolis, IN - For additional marketing
 \$55,000.00 - HVAC Contractor - Morganton, NC - For material to take on new jobs
 \$75,000.00 - Retail Store Boutique - Irvine, CA - For additional inventory
 \$40,000.00 - Auto Repair Shop - Houston, TX - For additional marketing
 \$25,000.00 - Bakery/Deli - Portland, OR - For store improvements and remodeling
 \$67,200.00 - Optometrist - Orlando, FL - For additional employees

Visit us online at www.nextdayfund.com

No longer interested? Please call 888 266 0196 to be removed from future notices.

DECLARATION OF CLYDE L. GRIFFEY